

Notice of Allowability

Application No.

10/010,946

Examiner

Michael R. Zecher

Applicant(s)

LIPPER, ARTHUR

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment received 10/31/2007.
2. ☒ The allowed claim(s) is/are 1-4, 6-9, & 11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☒ SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☒ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>Attached</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Michael R. Zecher
Art Unit #3691

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Royal W. Craig on January 2, 2008.

The application has been amended as follows:

1. (Currently Amended) An automated system for dynamic security price and value indexed comparison, comprising:

a central web server running supporting software including a spreadsheet for maintaining current and historical security market data, and a security monitoring module for importing said security market data into the spreadsheet, said central web server being individually accessible by subscribers;

a comparator & indexer applet also maintained on the central web server and accessible by said subscribers upon connection to said central web server to derive user-selectable security factors from the security market data in the central server to calculate the index number of said user-selectable security factors relative to a single pivot security, and to display said user-selectable security factors arranged in a table of rows of user-selectable securities and columns of said factors derived from said user-selectable security data, said display selectively including the absolute value of said security factors and/or the index number of said security factors;

whereby said automated system permits a user to compare, in both absolute and indexed terms, a plurality of statistics relating to a plurality of user-selected securities;

wherein said automated system allows said user to compare the designated securities based on personalized opportunity costs.

2. (Previously Presented) The automated system according to claim 1, wherein said comparator and indexer applet is a Java applet that allows each accessing subscriber to designate a subset of securities from said database, designate one or more financial statistics, designate a pivot security, calculate said financial statistics, and display said financial statistics to said accessing user dynamically and in real time.

3. (Previously Presented) The automated system according to claim 2, wherein said Java applet allows each accessing user to designate, calculate and display said one or more financial statistics in spreadsheet form by rows corresponding to each designated security and columns of each financial statistics as either absolute values, or as indexed values relative to said pivot security.

4. (Previously Presented) The automated system according to claim 3, wherein said one or more financial statistics include any subset from among the group comprising latest price, change in price vs 30 days, % change in price vs 90 days, % change in price vs 180 days, % change in price vs 365 days, % change in price from 52 week high, % change in price from 52 week low, average daily volume 90 days, market capitalization (mrq), shares outstanding (mrq), annual dividend (ttm), dividend yield (ttm), earnings yield (ttm), per share book value (ttm), eps (earnings per share), sales, ebitda (earnings bef. income/taxes), price/book value (mrq), price/earnings (ttm),

Application/Control Number:
10/010,946
Art Unit: 3691

Page 4

price/sales (ttm), return on assets, return on equity, current ratio (mrq), debt/equity (mrq), shares short, and short ratio.

5. (Cancelled).

6. (Currently Amended) A method for dynamic security price and value indexed comparison, comprising the steps of:

maintaining current and historical security market data in the database for a plurality of securities;

providing individuals access to said database for subscribers;

allowing each accessing subscriber to designate a subset of securities from said database;

allowing each accessing subscriber to designate one or more security factors to be calculated based on said historical security market data, and displayed for each designated security;

allowing each accessing subscriber to designate one of said securities from said subset to be a pivot security;

calculating said security factors from said historical security market figures, and for each security factor calculating an indexed number relative to corresponding security factors for said pivot security;

displaying said security factors to said accessing user in both absolute terms and as said indexed number relative to the pivot security;

whereby said method permits accessing user to compare, in both absolute and indexed terms, a plurality of statistics relating to a plurality of user-selected securities;

wherein said method allows said accessing user to compare the designated securities based on personalized opportunity costs.

7. (Previously Presented) The method according to claim 6, wherein said steps of allowing each accessing subscriber to designate a subset of securities from said database, allowing each accessing subscriber to designate one or more financial statistics, allowing each accessing subscriber to designate a pivot security, calculating said financial statistics, and display said financial statistics to said accessing user are collectively implemented in software as a first Java applet that dynamically accomplishes all of said steps in real time.

8. (Previously Presented) The method according to claim 7, wherein said first Java applet allows each accessing user to designate, calculate and display said one or more financial statistics as a spreadsheet by rows corresponding to each designated security and columns of each financial statistics as either absolute values, or as indexed values relative to said pivot security.

9. (Previously Presented) The method according to claim 8, wherein said one or more financial statistics include any subset from among the group comprising latest price, change in price vs 30 days, % change in price vs 90 days, % change in price vs 180 days, % change in price vs 365 days, % change in price from 52 week high, % change in price from 52 week low, average daily volume 90 days, market capitalization (mrq), shares outstanding (mrq), annual dividend (ttm), dividend yield (ttm), earnings yield (ttm), per share book value (ttm), eps (earnings per share), sales, ebitda (earnings bef. income/taxes), price/book value (mrq), price/earnings (ttm), price/sales (ttm), return on assets, return on equity, current ratio (mrq), debt/equity (mrq), shares short, and short ratio.

10. (Cancelled).

11. (Previously Presented) The method according to claim 8, wherein each step of maintaining current and historical security market figures in a database for a plurality of securities is implemented as a second Java applet, and said first and second Java applets cooperate to maintain said spreadsheet display updated in real time.

Reasons for Allowance

2. Claims 5 & 10 have been cancelled. Claims 1-4, 6-9, & 11 are allowed.

3. The following is an examiner's statement of reasons for allowance: no prior art was found which anticipates or renders obvious calculating user-selected security data as an indexed value and/or absolute value relative to a single pivot security (different from the security being monitored) so as to allow a user to evaluate the selected securities based on their own personalized opportunity costs. Hence, the present invention gauges the monitored security performance based on "opportunity costs" relative to some other security of the user's choosing, preferably one that presents the user with the greatest alternative financial opportunity.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Zecher whose telephone number is 571-270-3032. The examiner can normally be reached on M-F 7:30-5:00 alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRZ



HANI M. KAZIMI
PRIMARY EXAMINER